THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 26616 OF 1998

Dated 11th June, 2007

Between:

Chatla Nagaratnam (died)
per LR
Chatla Ramakrishna

…Petitioner

And

The Mandal Revenue Officer, Tirupathi
Rural Mandal at Tirupathi, Chittoor District
and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a declaration that the action of the respondents in taking steps for eviction of the petitioner from the land admeasuring Ac.0.65 cents in Survey No.524 of Pudipatla village, Tirupathi Rural Mandal, Chittoor District without following the procedure prescribed under Andhra Pradesh Land Encroachment Act, 1905 is illegal and arbitrary.

It is the case of the petitioner that the said piece of land was in possession of late father of the petitioner right from 1970 and he was using the said land by raising groundnut crop earlier and subsequently he planted mango trees. While admitting that the above said land is registered as wasteland of the Government, it is stated that the respondents were taking steps for eviction without following the procedure contemplated under the provisions of the A.P. Land Encroachment Act, 1905.

Counter affidavit is filed by the respondents stating that the land to an extent of Ac.13.45 covered by Survey No.524 of Pudipatla village is classified as tank poramboke land and is located in close proximity to the municipal limits of Tirupathi and is having high potential value. While denying the possession of the petitioner's father and petitioner, it is stated that the petitioner planted mango saplings only after interim orders of status granted by this court. It is stated that no application of the petitioner for grant of DKT patta is pending. It is further stated that as much as the said land is registered as a tank poromboke, the same cannot be considered for grant of assignment.

Though it is alleged by the petitioner that the land in question

to an extent of 0.65 cents was in possession of his later father, but there is no material to prove the said possession. Further, the averments in the counter affidavit are not denied by filing any reply affidavit. Therefore, as much as it is stated that the subject land is notified as a tank poromboke and the same cannot be considered for grant of assignment, I do not find any ground for grant of relief as prayed for in this writ petition.

The writ petition is dismissed. No costs.

_____

11-6—2007 **R.SUBHASH REDDY, J.**

VR